

REMARKS

The Official Action of October 18, 2006, and the prior art cited and relied upon therein have been carefully studied. The claims in the application are now claims 6-9, 11-16, and new claims 45-47. Applicant submits that these claims define patentable subject matter warranting their allowance. Favorable reconsideration and such allowance are respectfully urged.

Claims 1-5, 10 and 17-42 have been cancelled. New claims 45-47 have been added. Claims 26-34, 37, 38, 43 and 44 have been withdrawn from consideration.

Claims 6-9, 11-16 and new claims 45-47 remain in the application for consideration.

In response to the Examiner's objection to claims 2-18 and 40-42, and rejection of claims 1-17, 40 and 41 under 35 U.S.C. §112, second paragraph, Applicant has:

- (1) Cancelled claims 1-5, 10, 17, 18, 40 and 41 and amended remaining claims 6-9 and 11-16 to include an appropriate article as required by the Examiner,
- (2) Added new independent claim 45 drafted to include the features of cancelled independent claim 1 and dependent claims 4, 5, and 10

setting out the structural elements of the claimed assembly tool and how these elements are adapted to perform the work of the claimed tool. Applicant submits that new claim 45 does not claim the work performed by the tool in combination with the positively claimed structural features of the tool, and

- (3) Added new independent claim 47 in lieu of cancelled claim 41, wherein a package is claimed which includes a plurality of elongated nut bodies and an assembly tool for arranging said nut bodies in a profiled section element. The structural features of the assembly tool have been specifically set out in new claim 45.

Applicant respectfully submits that the cancellation of claims 1-5, 10 and 17-41, the amendment of claims 6-9 and 11-16 and the addition of new independent claims 45 and 47 overcome the Examiner's objection to claims 2-18 and 40-42 and rejection of claims 1-17, 40 and 41 under 35 U.S.C. §112.

The Examiner has further rejected claims 18 and 42 under 35 U.S.C. §103(a) as being unpatentable over Muller '553 in view of Kowalski '074 or Horst '753. Applicant

respectfully traverses this rejection as applied to new independent claim 46.

New independent claim 46 provides for a method for mounting an elongate nut body with spring means in an elongate profile section element by means of an assembly tool which has the same structural features set out in claim 45. Claim 46 specifically sets out in the method steps how the structural features of the assembly tool results in the mounting of the nut. Applicant respectfully submits that claim 46 patentably defines over the cited prior art combination for the following reasons.

Even if the person skilled in the art would derive from the cited documents a teaching that it would be desirable to provide a tool for mounting a nut body within a profiled section element, it is to be noted that none of the cited documents discloses or suggests use of a tool which abuts on the nut body directly. The assembly tool in the claimed invention abuts the nut body directly on the upper side, on the long side and within the bore in the nut body. The assembly tools shown in Kowalski or Horst are suitable for engaging a ring shaped member which is connected to the nut body. These known nut bodies are clamped in another way in the profiled section element. In particular, these known nut bodies are clamped in the profiled section element by means of

the ring which is arranged on the upper side of the of the nut body and which is clamped between the flanges of the profiled section element. In the claimed invention, the nut body is clamped against the lower side of the flanges by a spring, which engages the bottom of the profiled section element which forces the nut body against the flanges. Thus the prior art shows the assembly of different kinds of elongate nuts within a profiled section element and therefore does not suggest in any way abutting the nut body by a tool in a manner which is proposed in the claimed invention.

Even if a skilled person would contemplate abutting the nut body directly, he would have to modify the structure of the ring above the nut body of Kowalski and Horst. In the prior art documents, no incentive can be found for this additional modification. Accordingly, the method according to claim 46 is considered non-obvious in lieu of the cited prior art.


The prior art documents made of record and not relied upon have been noted along with the implication that such documents are deemed by the PTO to be insufficiently pertinent to warrant their applications against any of applicant's claims.

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Amdt. dated February 16, 2007
Reply to Office Action of October 18, 2006

Favorable reconsideration and allowance are
earnestly solicited.

Respectfully submitted,

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